IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

LA.App..No. 489 of 2007()

LAR.108/2002 of PRINCIPAL SUB COURT, N.PARAVUR
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APPELLANT: RESPONDENT IN THE LAR

STATE OF KERALA.

BY GOVT.PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS: CLAIMANTS/RESPONDENTS IN THE LAR

VALSA, W/O.BHASKARAN, PLASSERIL,
VALIYAPAZHAMPILLITHURUTH.

BY ADV. SRI.GEORGE SEBASTIAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 23/10/2007, ALONG WITH LAA 727/07 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.Nos.489, 608, 709,
727, 1187 and 1197 of 2007

Dated this the 23rd day of October, 2007

JUDGMENT

Harun-Ul-Rasheed,J.

These appeals are filed against the judgment and decree in L.A.R.Nos.108/2002, 105/2002, 112/2002, 111/2002, 106/2002 and 139/2002 respectively. The six Land Acquisition Appeals arise out of the six L.A.R. cases jointly tried and a common judgment was passed. Therefore, all the cases are considered together. The lands under acquisition in all the cases are acquired for the construction of Karippayikkadavu - Valiyapazhampillythuruth Bridge and approach road. Section 4(1) notification is dated 29-6-1999. The Land Acquisition Officer awarded compensation to the parties, fixed land value at the rate of Rs.15,647/- per Are. The different extents of land acquired are small plots ranging from 00.38 Ares to 3.20 Ares. All the properties are comprised in Chengamangalam Village of Paravur Taluk. The evidence consists of oral testimonies of AW1 to AW3 and Exts.A1, A2, C1 and C1(a) on the claimant's side and Exts.R1 to R19 on the side of the respondents. The court below also issued a Commission to inspect the property and to report about the location and the importance of the locality wherein the property is situated. The court

below considered Exts.A1, A2 and the Commissioner's report in support of the claim for enhancement of compensation. The extent of land sold under Ext.A1 sale deed is 13 cents and the centage value shown in the document is Rs.30,000/- per cent. The land covered by Ext.A1 is lying ¾ k.m. on the south of the acquired land and had no road access. The Commissioner has inspected the lands under Exts.A1 and A2 and he has given a description of the lands in Ext.C1 report.

2. The court below also noticed the fact from Ext.C1 report that the lands under Ext.A2 document and the acquired lands were acquired for the same purpose of construction of approach roads of two bridges constructed over the same river. These lands are lying within 1 k.m. distance from Paravur town and the lands are similar and similarly situated and comparable. The court also examined the similarity and the comparability and locational importance of Ext.A1 land and the acquired land. The court, after examining the note to award, mahazars, sketch etc. and the detailed valuation reports produced in each case, observed that the extent covered under Ext.A1 document is larger in extent than the extent of acquired lands and the acquired lands were lying by the side of an existing road. At the same time, the land covered under Ext.A1 document has no road access.

From Ext.C1(a) sketch the court below found that all the acquired lands have direct road access. In the circumstances considering the valuation shown in Ext.A1 document and the comparable and similar nature of Ext.A2 lands, the court below found that it is just and proper to fix the land value at the rate of Rs.46,941/- per Are. The respondent did not adduce any contra evidence to disprove the claim set up by the claimants. In view of the fact that the land covered under Ext.A1 sale deed and Ext.A2 judgment is having locational importance and is similar and comparable in most respects and the further fact that the acquired land is more valuable since it has road access, the view taken by the court below that the acquired land will fetch a land value at the rate of Rs.46,941/- per Are is just and fair. In the circumstances we find that there is no merit in the appeals and they are accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

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